REMARKS/ARGUMENTS

Claims 1-3 and 5-9 are now pending in this application, with claim 1 being the only independent claim. Independent claim 1 has been amended. Support for the amendment to independent claim 1 may be found, for example, at pg. 5, lines 2-4 and lines 32-34 of the specification as originally filed. No new matter has been added. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-3, 5-7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,276,342 ("*Sinz*") in view of U.S. Patent No. 6,553,973 ("*Coha*"), and further in view of EP 0798457 ("*Denneulin*"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sinz* in view of *Coha* and *Denneulin*, and further in view of U.S. Patent No. 5,797,377 ("*Fischerkeller*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 has been amended to recite "wherein the suction sides of said suction jet pumps are each arranged above a designated minimum height in said surge chambers such that if said suction jet pumps detect that the filling level of one surge chamber has dropped below the minimum height, the feeding of fuel from the one surge chamber ceases". Support for this amendment may be found, for example, at pg. 5, lines 2-4 and lines 32-34 of the instant specification. No new matter has been added. The combination of the cited art fails to teach or suggest this limitation.

The Examiner has conceded that the combination of *Sinz* and *Coha* fails to teach or suggest "the jet pumps ceasing operation in response to drop in level of the fuel in the surge chamber" as recited in independent claim 1, and cites *Denneulin* for this feature. Applicants,

however, respectfully disagree that the combination of *Sinz*, *Coha* and *Denneulin* achieves the fuel pump of independent claim 1.

Denneulin relates to a "multi-pocket vehicle fuel tank (3) includes the principal pocket (1) and the secondary pocket (2) separated at their lower levels by bulkhead (4)" (see Abstract). The Abstract of *Denneulin* further explains that "[f]uel is pumped by a remote principal pump from the principal pocket (1) through a conduit (5). The secondary pump (11) pumps fuel from the secondary pocket (2) to the principal pocket (1) under the control of a directing circuit (13) which receives signals from a level detector (12) and is able to eliminate oscillations from them".

Denneulin teaches that an electric pump is used to supply fuel along a line 10 that connects pocket 2 to pocket 1. The electric pump 11 is controlled a pilot circuit 13. *Denneulin* additionally teaches that the pilot circuit preferably comprises a detection of the present fuel level in the secondary pocket 2 in bowl 2'. It is this detection with the pilot circuit that stops operation of the electric pump 11 when the fuel level in the secondary pocket 2 or bowl 2' is at a lower threshold[1].

As shown in Fig. 1 of *Denneulin*, fuel level detection is performed by a detector 12 that is located in the secondary pocket 2. Independent claim 1 recites that the level detection is performed by the suction jet pumps themselves, i.e., without the aid of the additional detection circuit that is used in the *Denneulin* system. This detection is effected by the arrangement of the suction sides of the suction jet pumps above the designated minimum height, as also recited in independent claim 1. *Denneulin* fails to teach or suggest this limitation. More particularly, *Denneulin* fails to teach or suggest a system that provides load balancing in the manner provided by the expressly recited subject matter of independent claim 1. Accordingly, independent claim 1, as amended, is allowable over the combination of *Sinz*, *Coha* and *Denneulin*.

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[1] Applicants have attached herewith an electronic English translation of EP 0798457 ("*Denneulin*").

The Examiner has also acknowledged that the combination of *Sinz*, *Coha* and *Denneulin* fails to teach or suggest "jet pumps connected to a return line returning fuel from an internal combustion engine into the fuel tank", as recited in dependent claim 8, and cites *Fischerkeller* for this feature. Applicants, however, respectfully disagree that the combination of *Sinz*, *Coha* and *Fischerkeller* achieves the fuel pump of now-amended independent claim 1. There is nothing in the cited prior art with respect to the claimed arrangement such that that if said suction jet pumps detect that the filling level of one surge chamber has dropped below the minimum height, the feeding of fuel from the one surge chamber ceases. The combination of *Sinz*, *Coha*, *Denneulin* and *Fischerkeller* thus fails to teach or suggest applicants' claimed fuel supply system. Applicants accordingly assert that independent claim 1 is therefore patentably distinct over the combination of *Sinz*, *Coha*, *Denneulin* and *Fischerkeller*.

In view of the foregoing, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are in order, and a notice to that effect is requested.

In view of the patentability of independent claim 1, dependent claims 2 and 3-9 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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